

Board of Adjustment



Minutes

City Council Chambers, Lower Level
January 11, 2011

Board Members Present:

Garrett McCray, Chair
Nicholas Labadie, Vice Chair
Diane von Borstel
Greg Hitchens
Tyler Stradling
Cameron Jones

Others Present:

Brad Hankins
Brandon McMillen
Others

Staff Present:

Gordon Sheffield
Angelica Guevara
Mia Lozano-Helland
Lesley Davis
Wahid Alam
John Wesley

The study session began at 4:36 p.m. The Public Hearing meeting began at 5:37 p.m. Before adjournment at 5:45 p.m., the following items were considered and recorded.

Study Session began at 4:36 p.m.

- A. Medical Marijuana – Mr. Sheffield reviewed the new regulations for medical marijuana that the City Council is considering. City Council introduction is scheduled for 1/24/2011 and consideration on 2/7/2011.
- B. Downtown Events – Mr. Sheffield explained to the Board that an overlay area proposal is being developed to allow the downtown area an exception from the limit of four special events per calendar year.
- C. Zoning Code Update – Mr. Sheffield provided the latest information regarding the progress of the update and answered questions from the Board.
- D. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:37 p.m.

- A. Consider Minutes from the December 14, 2010 Meeting A motion was made to approve the minutes by Boardmember von Borstel and seconded by Boardmember Jones. Vote: Passed 6-0
- B. Consent Agenda #1 A motion to approve the consent agenda as read was made by Boardmember Jones and seconded by Boardmember Hitchens. Vote: Passed 6-0

Consent Agenda #2 A motion to approve the consent agenda as read was made by Boardmember Stradling and seconded by Boardmember von Borstel. Vote: Passed 4-0-2 (Labadie and Hitchens abstaining)

**Board of Adjustment Meeting
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Case No.: BA10-070

Location: 2262 South Orange

Subject: Requesting a Variance to allow a shade structure to encroach into the required side yard in the R1-6 zoning district. (PLN2010-00341) **Continued from the December 14, 2010 meeting**

Decision: Continued to the February 8th, 2011 meeting

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember Hitchens to continue case BA10-070 to the February 8th, 2011 meeting.

Vote: Passed 6-0

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**Board of Adjustment Meeting
January 11, 2011**

Case No.: BA11-001

Location: 4248 East Broadway Road

Subject: Requesting a Special Use Permit to allow an electronic message display to change more often than once an hour in the R1-15 zoning district. PLN2010-00360

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember Hitchens to approve case BA11-001 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions below.*
2. *Each message shall remain static for a minimum of fifteen (15) seconds.*
3. *The transitions between messages and the light intensity level of the electronic message display shall be consistent with Section 11-19-8(D)17.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

1.1 The Sign Ordinance requires electronic message displays to remain static for a minimum of one hour unless a Special Use Permit is granted. This SUP was granted because the sign was found to be compatible with and not detrimental to surrounding properties through the consideration of the following factors: 1) the speed and volume of the vehicular traffic visually exposed to the sign, 2) the presence of other signs or distracting influences in proximity to the sign location, and 3) the extent to which the design of the sign is compatible with other signs located on the premises.

1.2 The speed limit on Broadway Road is 45 miles an hour. For a vehicle traveling at a constant 45 miles per hour, a sign change of every 15 seconds happens every 990 feet of travel (One second of travel equates to about 66 feet of travel at 45 mph). A message change every 15 seconds results in two message changes during a quarter-mile (1320') approach at constant speed. This change rate is reasonable given the traffic speed.

1.3 A 15 second message display is consistent with past Board of Adjustment decisions that have allowed message changes every 15 seconds. The basis for those decisions has been the idea of having one or two messages visible for approximately a quarter mile as a vehicle approaches the sign. A static message for 15 seconds ensures the message is static long enough for the driver to read whatever it says quickly, in a single display, and then divert their attention back to the roadway. It also avoids distracting drivers by creating the appearance of signs being in motion.

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- 1.4** The existing well-designed monument sign structure has been upgraded in its current location. The existing sign is 8' in height, 14' wide, and a total of 34 square feet in area. The applicant is replacing the existing reader board that contains three lines of copy with LED displays.

**Board of Adjustment Meeting
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Case No.: BA11-002

Location: 1926 South Crismon Road

Subject: Requesting a Special Use Permit (SUP) to allow a Commercial Communication Tower to exceed the maximum height allowed in the C-2 zoning district. PLN2010-00347

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember Hitchens to approve case BA11-002 with the following conditions:

- 1. Compliance with the site plan submitted, except as modified by the conditions below.*
- 2. The proposed CCT shall be a monopalm.*
- 3. The monopalm shall have a maximum height of sixty-five feet (65') at the top of the fronds (sixty-two feet at the top of antennas).*
- 4. The antennas shall not exceed 8'-3" in length, 11.87" in width, and 6" in depth.*
- 5. The antenna standoff T-arm assembly shall not extend more than 18" from the pole.*
- 6. The antenna will be screened with a minimum of 65 palm fronds..*
- 7. The antennas shall be painted to match the color of the faux palm fronds.*
- 8. The monopalm tower or "trunk" shall be clad with a material resembling the color and texture of a natural palm tree.*
- 9. Provide 130' setback along west property line to the base of the monopalm to meet the City of Mesa Commercial communication Towers Guidelines adopted in 1997.*
- 10. The operator of the monopalm shall respond and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
- 11. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- 12. The lease area and communication tower associated equipment including equipment mounted on the exterior of the shelter shall be screened by an 8' tall SUPER LITE "AUTUMN" split face CMU wall designed to match approved surrounding buildings (Lot 2 & Lot 3 per case# Z04-033).*
- 13. Provide(1) 45' foot tall, one (1) 35' foot tall and one (1) 25' foot tall date palm tree to be planted in cluster between the houses to the west and the monopalm to the east to provide visual buffer to the home owners and blend with the monopalm.*
- 14. Submit revised site plan approved by planning staff prior to building permit submittal showing access driveway and service parking for the monopalm without modifying approved circulation pattern per case# Z04-033.*

Vote: Passed 6-0

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Findings:

- 1.1** The applicant is installing a monopalm at this location. The Commercial Communication Tower Guidelines recommend the use of alternative design to conceal CCTs, setbacks from streets, and setbacks from residential properties in an effort to mitigate the visual impact of CCTs. Standard policy on CCTs within the City of Mesa has been to require stealth facilities in all zoning districts except industrial. This property is zoned C-2 and therefore requires a stealth facility.
- 1.2** The 65-foot high CCT will be placed on a vacant area just south of existing daycare facility. The subject property is zoned C-2, which permits CCTs subject to the approval of a Special Use Permit (SUP). This CCT is compatible with and not detrimental to surrounding properties and is consistent with the General Plan and other recognized plans and City Council policies, including the Commercial Communication Tower Guidelines, adopted in 1997.
- 1.3** The northwest corner of Baseline Road and Crismon Road is currently vacant and there is an approved site plan for the property (Z04-033). The vacant property has three parcels south of the existing Daycare facility. The subject site is Lot-2 parcel # 220-81-774. The monopalm will be located in a landscape island between two future buildings. The lease area is in-line with the front of the buildings. The monopalm is not eliminating any approved parking space or driveways.
- 1.4** The monopalm will be 65-feet high. The array of the monopalm consists of three sectors, each with three antennas, for a total of nine antennas. The antennas measure 8'-3" L x 11.87" W x 6" D.
- 1.5** Based on the submitted plans, identified as PHXAZ-X438-DD and dated December 22, 2010, the CCT and associated ground mounted equipment will be located within a 700 square foot lease area. The lease area will be surrounded by an eight-foot tall split face CMU screen wall and compatible with the buildings in the vicinity.
- 1.6** The monopalm complies with the Commercial Communications Towers Guidelines in and is 81-feet from the Crismon Road right-of-way, where only 65-feet are required. In addition, the monopalm is a minimum of 128-feet from the adjacent residential homes to the west, zoned R1-6, where 130-feet is required and 248-feet from the Baseline Road right-of-way where only 65' is required, it is 1143' from the residential development to the north, where only 130' is required.
- 1.7** The applicant will plant two live palm trees just west of the equipment shelter outside the leased area. Initially the palms will be hand watered until the surrounding area is developed.
- 1.8** The applicant notified all property owners within 300 feet of the request and no comments or concerns were received.
- 1.9** In order to minimize the aesthetic impact, the applicant provided three live date palms to help disguise the faux palm. Given the context of the site, the use of a stealth design, and the provision of three live date palms as conditioned for approval along with future perimeter landscape along west property line and buildings to the north and south, the Commercial Communication Tower (monopalm) is compatible with and not detrimental to surrounding properties.

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Case No.: BA11-003

Location: 740 West Broadway Road

Subject: Requesting a modification of an existing Special Use Permit for a Comprehensive Sign Plan in the C-2 DMP zoning district. PLN2010-00308

Decision: Continued to the March 8th, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember von Borstel to continue case BA11-003 to the March 8th, 2011 meeting.

Vote: Passed 4-0-2 (Hitchens and Labadie abstaining)

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Case No.: BA11-004

Location: 7335 East Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing church in the R1-6 and R1-7 zoning districts. PLN2010-00361

Decision: Continued to the March 8, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember von Borstel to approve case BA11-004 with the following conditions:

Vote: Passed 4-0-2 (Hitchens and Labadie)

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Case No.: BA11-005

Location: 1955 South Signal Butte Road

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the C-2 DMP zoning district. PLN2010-00382

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember Hitchens to approve case BA11-005 with the following conditions:

1. *Compliance with the sign plan, entitled 'Superstition Gateway East-PAD A', except as modified by the conditions.*
2. *Allow all PAD-A tenants a maximum of three attached signs regardless of building frontage.*
3. *Aggregate sign area for the three signs for each tenant cannot be more than the sign ordinance maximum.*
4. *Compliance with all conditions of approval of BA05-035.*
5. *Compliance with all requirements of the Building Safety Division regarding the issuance of a sign permit.*

Vote: Passed 6-0

Findings:

- 1.1 The applicant will install attached signage for an existing 6,994 square feet pad-A building located at the northeast corner Baseline and Signal Butte Road at the Superstition Gateway East retail center. The existing pad-A building signage was approved by BA05-035 for a Comprehensive Sign Plan. The pad-A was approved for a maximum of three attached signs per tenants regardless of building frontage. The aggregate of three signs for each tenant cannot be more than 160 square feet.
- 1.2 The applicant was approved for a total of 10 potential attached sign locations for all three tenants in pad-A building. The pad-A building is divided into three tenant space. There is a tower element at the northeast corner of the pad-A building. The applicant requested the ability to install two attached signs for tenants "A" & "C". This request will not apply if the pad-A building is leased to a maximum of two tenants.
- 1.3 Staff supported signs that are not directly attached to their tenant space due to the unique location and configuration of the pad-A building that has limited visibility.

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Case No.: BA11-006

Location: 6555 East Southern Ave

Subject: Requesting a Special Use Permit to allow the number of Special Events to exceed the maximum number of events allowed by code in the C-2 BIZ zoning district. PLN2010-00392

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember Hitchens to approve case BA11-005 with the following conditions:

1. *Compliance with all health, building, fire safety, and tax and licensing regulations of the City of Mesa.*
2. *The number of special events may not exceed twenty (20) per calendar year, and the aggregate number of special event days may not exceed eighty (80) per calendar year.*
3. *Compliance with the site plan and narrative, which delineates the location for the special events.*
4. *The SUP shall expire on January 11, 2016.*
5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1 The applicant was approved for a Special Use Permit to allow up to twenty (20) Special Events within a calendar year with the aggregate number of special event days may not exceed eighty (80) days per calendar year for up to five years. The events will include car displays, car shows and carnivals. The events will take place in a designated area during off-peak times of the year and typically last from three (3) to ten (10) days.
- 1.2 The current code allows Special Events in all zoning districts provided that the event receives a license from the Tax & Licensing Office. No more than four events may be conducted on the same premises during the calendar year and each event may not exceed a period of four days.
- 1.3 The operation plan submitted indicates that the primary special event location is in the southwest parking area along the north side of US60, just east of Superstition Springs Boulevard. The location will have no impact on the US60 Freeway and is the furthest distance possible from retail establishments surrounding the mall. The nearest residential use is greater than 1100 feet away and is separated by intervening buildings and the US60 freeway.
- 1.4 The mall has a total of 6,322 parking spaces. The outer parking area, as designated for the events, will utilize up to 400 parking spaces, resulting in 5,922 parking spaces left available. This amount provides adequate parking for the facility, particularly for off-peak retail periods.

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- 1.5 Similar Special Use Permits have been approved previously for Superstition Springs Mall, Fiesta Mall and Mesa Riverview. Given the scale of the development and the commercial nature of adjacent uses special events in excess of current Code allowances are compatible with the site and do not have a detrimental impact to surrounding properties.

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Case No.: BA11-007

Location: 5711 South Power Road

Subject: Requesting a modification of a Special Use Permit for a Commercial Communication Tower in the C-2 zoning district. PLN2010-00395

Decision: Continued to the March 8th, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember von Borstel to continue case BA11-007 to the March 8th, 2011 meeting.

Vote: Passed 4-0-2 (Hitchens and Labadie abstain)

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Case No.: BA11-008

Location: 5358 East Baseline Road

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the C-1 DMP zoning district. PLN2010-00399

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember Hitchens to approve case BA11-008 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions below.*
2. *Compliance with all conditions of approval of BA00-043.*
3. *Compliance with all requirements of the Building Safety Division regarding the issuance of a sign permit.*

Vote: Passed 6-0

Findings:

- 1.1 The applicant was approved for a modification to the Special Use Permit to allow this site to deviate from the existing CSP approved for the Inverness Commons DMP. Inverness Commons is a 130-acre mixed-use development with a SUP for the CSP approved in 2000. The CSP attempted to link the project together by providing guidance for common design elements that are used within the development. The common elements included colors, block, brushed aluminum, font, and logos when trademarks were not part of the sign.
- 1.2 The applicant requested to deviate from the design criteria established for the DMP by allowing a monument sign designed to be compatible with the southwestern hospitality design of the facility. The site is currently under construction for use by a transitional rehabilitation center. The site plan and elevations, that included the elevation of the monument sign, were approved by the Planning and Zoning Board and the Design Review Board in 2008. Through some oversight by the board of directors of the Inverness Commons Property Owners Association and City staff, the design criteria established for the DMP was never enforced in 2008. In addition, the two existing multi-family developments within Inverness Commons DMP have had monument signs approved and constructed that did not comply with the design criteria established.
- 1.3 The applicant obtained a current letter of approval from the Inverness Commons Property Owners Association for their monument sign. In that letter, a one-time exemption from the design criteria was approved for this site.
- 1.4 The two office developments constructed within Inverness Commons complied with the design criteria established for the DMP. The property owners association expressed a desire to maintain the design criteria established for the DMP for the remainder of the sites that develop within Inverness Commons.

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- 1.5** The two multi-family developments have signage that is architecturally compatible with the buildings and not with the DMP design criteria. The UPS facility has also been constructed at the site, but has not placed any signage on the site. Since the non-residential developments have deviated from the intended design, allowing this additional site to use an individualized design on the monument sign will not be detrimental to surrounding properties. In addition, the height and square footage of the monument sign complies with the requirements established with the Inverness Commons Comprehensive Sign Plan (BA00-043).

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E. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

G: Board of Adjustment/Minutes/2011/January 2011